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MPI Major Petroleum Industries

MPI

DEPT. OF TRANSPORTATION
DOCKETS
JUL 11 - 9 P 1:30

Post Office Box 377

Rosenhayn, New Jersey 08352

Phone: 856-451-3700

Facsimile: 856-451-6994

7 August 2006

U.S. DOT Dockets
U.S. Department of Transportation
400 7th Street SW, PL-401
Washington, D.C. 20590

FMCSA-2006-25769-2

**Petition to Notice of Default
and Final Agency Order**

Re: Major Petroleum Industries
Case Number: NJ-2006-0289-US0412
USDOT Number: 0224132

Please accept this Letter of Petition in regards to the above listed case. I have enclosed copies of the Notice of Claim served on 28 June 2006, along with a copy of the letter requesting binding arbitration in regards to the amount of the civil penalty, mailed 07 July 2006; along with copies of USPS Certified Mail/Return Receipt showing mailing and delivery dates.

Also enclosed is a copy of the Notice of Default and Final Agency Order sent 02 August 2006.

In view of the above, Major Petroleum Industries responded approximately ten (10) days after receiving the original Notice of Claim for binding arbitration. To this date, we have not received any response other than the Notice of Default and Final Agency Order.

Major Petroleum Industries requests that the Notice of Default be canceled and a hearing for binding arbitration be scheduled as per our letter of 07 Jul 2006.

If there are any questions, please do not hesitate to contact my office.

Thank you for your consideration in this matter.

Very truly yours,
Major Petroleum Industries



Nate Pizzo
President

MPI Major Petroleum Industries *MPI*

Post Office Box 377

Rosenhayn, New Jersey 08352

Phone: 856-451-3700

Facsimile: 856-451-6994

7 July 2006

Mr. Christopher Rotondo

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
840 Bear Tavern Road
Suite 310
West Trenton, New Jersey 08628-1019

Case Number: NJ-2006-0289-US0412

US DOT Number: 0224132

Dear Mr. Rotondo,

In regards to the above case number, Major Petroleum Industries would like to request binding arbitration in regards to the amount of the civil penalty.

While Major Petroleum Industries does not dispute the findings of the audit, the assessed penalty would create a hardship on Major Petroleum Industries. During the audit period, Major Petroleum Industries employed only two drivers operating interstate on an infrequent basis. Being a relatively small company, Major Petroleum Industries would appreciate if the civil penalty could be reduced to a more suitable amount for a company its size.

If there are any questions or if I may be of any further assistance, please do not hesitate to contact my office.

Thank you for your assistance in this matter.

Very truly yours,
Major Petroleum Industries


Nate Pizzo
President

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>A. Brown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>U.S. Dept of Transportation Federal Motor Carrier 840 Bear Tavern RD Suite 310 West Trenton, NJ. 08628</i>		B. Received by (Printed Name) <i>A. Brown</i> C. Date of Delivery <i>7/11/06</i>	
2. A <i>7006 0100 0003 9274 6090</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>3.84</i>
Certified Fee	<i>2.40</i>
Return Receipt Fee (Endorsement Required)	<i>1.85</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>4.64</i>
Sent To <i>Federal Motor Carrier</i> Street, Apt, Box, or PO Box No. <i>840 Bear Tavern RD</i> City, State, ZIP+4 <i>West Trenton, NJ. 08628</i>	
PS Form 3800, June 2002 See Reverse for Instructions	



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Eastern Service Center

802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Phone: (443) 703-2240
Fax: (443) 703-2253

Certified/ Return Receipt Requested

Certified Receipt Number: 70060100000545417631

June 28, 2006

Nate Pizzo, President
Major Petroleum Industries
PO Box 377
Rosenhayn, NJ 08352-0377

NOTICE OF CLAIM¹ -- Violations of 49 CFR § 172.704(a)(5); 172.800(b);
180.417(a)(1).

CIVIL PENALTY: \$15,860

Case Number: NJ-2006-0289-US0412

US DOT Number: 0224132

Dear Mr. Pizzo:

A compliance review was conducted at Rosenhayn, NJ on June 9, 2006. The purpose of this review was to determine your compliance with the Federal Motor Carrier Safety Regulations (FMCSR), the Federal Hazardous Materials Regulations (HMR), and the Federal Motor Carrier Commercial Regulations (FMCCR).

As a result of this review, violations were discovered. This letter constitutes a Notice of Claim by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) against Major Petroleum Industries for the amount of \$15,860.

Unless settled or otherwise resolved in a manner set forth below, the FMCSA can recover these penalties, with interest and costs, in a civil action brought in a United States District Court. Additional collection efforts may include, but are not limited to: Internal Revenue Service offsets against tax refunds, and the referral to and the use of collection agencies to collect penalties. **Also, under 49 Code of Federal Regulations (CFR) §§ 386.83 and 386.84, once a final order has been issued, the FMCSA may prohibit Major Petroleum Industries from operating in interstate commerce until the civil penalty is paid in full and, if applicable, your FMCSA registration will be suspended.**

1) A Notice of Claim is the official charging document used by the Federal Motor Carrier Safety Administration to initiate a civil action for violations of Federal Laws.

SUMMARY OF VIOLATIONS

Your company is charged with:

1. One (1) violation of 49 CFR § 172.704(a)(5)- Failing to provide in-depth security awareness training.
2. One (1) violation of 49 CFR § 172.800(b)- Offering or transporting hazardous material without a security plan.
3. One (1) violation of 49 CFR § 180.417(a)(1)- Failing to retain a cargo tank manufacturer's data report, certificate and related papers, as required.

A copy of the documentary evidence collected during the investigation is available from this office. Upon request, the FMCSA will forward a copy of this evidence within a reasonable period of time. For additional details see the attached "Statement of Charges."

NOTICE OF ABATEMENT

This letter also constitutes a Notice of Abatement of all violations. In order to ensure that these violations cease, your company must take the following actions:

1. Do not involve any employee meeting the definition of a "hazmat employee," as defined in 49 CFR 171.8, in hazardous materials transportation safety unless the employee has been properly trained and tested in accordance with 49 CFR Parts 172, Subpart H and 49 CFR 177.816. Ensure certification of training and testing is maintained for each hazmat employee.
2. Do not offer for transportation or transport hazardous materials in interstate or intrastate commerce unless/until your company has developed and implemented a security plan for hazardous materials meeting the requirements of 49 CFR Part 172 Subpart I.
3. Maintain on file specification cargo tank manufacturer's data reports, certificate and related papers, as required.

Failure to Abate Cited Violations

Failure to abate the cited violations could cause penalties to be increased in future enforcement actions. Under Section 222 of the Motor Carrier Safety Improvement Act of 1999, recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49 of the Code of Federal Regulations) that result in three or more enforcement actions within a six-year period will cause the maximum penalties allowed by law to be assessed for the third and subsequent enforcement actions. Any violations with a checkmark in the "§ 222 Applied" column in the penalty table below are subject to this "Section 222" provision and the maximum penalties have been assessed. See 49 USC § 521 note, 49 USC § 521(b), 49 USC § 5123, 49 USC Chapter 149, and 49 CFR Part 386, Appendix A.

PENALTY

Penalty Factors for Violations of Safety and Hazardous Materials Regulations

In accordance with 49 USC §§ 521(b)(2)(D) and 5123(c), the FMCSA must, before proposing or claiming a civil penalty, take into consideration the nature, circumstances, extent, and gravity of the violation committed and with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. The civil penalty proposed shall be calculated to induce compliance. These factors will not be considered, however, for violations subject to the Section 222 provision described above.

Penalty Factors for Violations of Commercial Regulations

In the case of violations of the commercial regulations FMCSA also is not required by statute to consider the Section 521 factors. However, before proposing penalties for violations of the commercial regulations (more specifically the transportation of household goods), 49 U.S.C. § 14901 (c) requires FMCSA to take into consideration the degree of culpability, any prior history of such conduct, the degree of harm to shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the civil penalty proceeding, and such other matters as fairness may require.

Discovered Versus Charged Violations

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not proposed for penalty in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. The violations found in Table 1, as attached to this Notice of Claim, detail the violations discovered during our review/inspection.

A listing of the statutes governing maximum and minimum penalties for violations of specific regulations is enclosed.

Given the statutorily mandated items listed above, the FMCSA is proposing a civil penalty as follows:

<u>VIOLATION</u>	<u>TYPE OF VIOLATION²</u>	<u>NUMBER OF COUNTS</u>	<u>ASSESSMENT PER COUNT</u>	<u>§222 APPLIED</u>	<u>TOTAL</u>
172.704(a)(5)	HM	1	\$11,200.00		\$11,200.00
172.800(b)	HM	1	\$2,920.00		\$2,920.00
180.417(a)(1)	HM	1	\$1,740.00		\$1,740.00

Accordingly, the total amount assessed by the Federal Government as the result of these violations is \$15,860.

HOW TO REPLY TO THE NOTICE OF CLAIM

2) CDL=Commercial Driver's License; FR=Financial Responsibility; HM=Hazardous Materials (the total penalty assessed is per citation, not per number of counts); NO=Notice and Orders; NR=Nonrecordkeeping; R=Recordkeeping; COM=Commerical Regulations.

Under 49 CFR Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," you have specific rights with respect to this Notice of Claim. You are advised to carefully read Part 386 and follow the course of action appropriate for you in this case. A copy of Part 386 is attached to this Notice of Claim for your information. You may wish to seek legal counsel for answers to any questions in reference to this Notice of Claim or procedures under Part 386. DO NOT call the FMCSA Service Center or the Chief Counsel's office for advice or assistance in your defense. You may pursue the following courses of action:

(1) PAYMENT OF PENALTY: Within 30 days of service of this Notice of Claim: (a) Pay the assessed penalty in full, or (b) Establish a monthly payment plan by contacting an Enforcement Specialist (NOTE: A payment plan may be available for respondents who demonstrate financial difficulty), or (c) Contact an Enforcement Specialist outlining in writing compelling reasons why the assessed penalty should be reduced and discuss potential settlement. You may be required to submit a current, certified balance sheet or other evidence of assets and liabilities. An Enforcement Specialist can be reached at 443-703-2259. If you pay the full penalty within thirty (30) days of service of this Notice of Claim, you do not need to file a written Reply to the Notice of Claim.

You may pay the fine electronically through our SAFER website at <<http://safer.fmcsa.dot.gov>> by selecting "Online Fine Payment."

Alternatively, you may pay by cashier's check, certified check, or money order made payable to the FMCSA and mailed to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

Personal or company checks will not be accepted and will be returned.

Payment of the penalty will constitute admission of the violation(s) set forth in the Notice Claim and these violations shall constitute prior offenses under either 49 USC § 521(b)(2)(D) (for violations of the Federal Motor Carrier Safety Regulations), 49 USC § 14901(c) (for violations of the Federal Motor Carrier Commercial Regulations involving transportation of household goods) or 49 USC § 5123(c) (for violations of the Hazardous Materials Regulations) unless you proceed under the provisions of 49 C.F.R. § 386.18(c). These offenses may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

(2) REQUEST FOR ADMINISTRATIVE ADJUDICATION: You may contest the claim and request Administrative adjudication. If you choose this course of action, you must carefully follow the provisions within 49 CFR § 386.14, including filing a written Reply within thirty (30) days after service of this Notice of Claim.

Your Reply must be in writing, and clearly state the grounds for contesting the Notice of Claim, and must state any affirmative defenses you intend to assert. You must separately admit or deny each

violation alleged in this Notice of Claim. Any allegations in the Notice of Claim not specifically denied in the Reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator. Your Reply must include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1) (iii). Once you select an adjudication option, you are bound by that selection.

You must serve your reply on all persons listed in the Certificate of Service attached to this Notice of Claim and in accordance with the requirements of 49 CFR § 386.6.

(3) REQUEST FOR BINDING ARBITRATION: If you dispute **only** the amount of the civil penalty and/or the length of time to pay, you can select to have the civil penalty amount adjudicated through FMCSA's binding arbitration program. You should notify the FMCSA of your request in writing when you submit your Reply. The Assistant Administrator will determine if your case is appropriate for binding arbitration. You will be notified in writing of the Assistant Administrator's decision regarding your request. You may choose binding arbitration if the only issues that you dispute are the amount of the civil penalty and/or the length of time to pay. FMCSA's guidance on the use of binding arbitration is available through the following link: <<http://www.fmcsa.dot.gov/>>. You can also request a copy of the guidelines from the Service Center.

YOU MUST CERTIFY THAT YOUR REPLY HAS BEEN SERVED IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED WITHIN 49 CFR § 386.6.

THE SPECIFIC RIGHTS PROVIDED FOR IN 49 CFR § 386.14 MAY BE WAIVED IF YOU FAIL TO SUBMIT A WRITTEN REPLY WITHIN THIRTY (30) DAYS AFTER THE SERVICE OF THIS NOTICE OF CLAIM.

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN THE **EXACT** MANNER SPECIFIED IN 49 CFR § 386.14 MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. UNDER 49 CFR § 386.14(c), A FAILURE TO REPLY MAY CAUSE THE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER THIRTY (30) DAYS AFTER THIS NOTICE OF CLAIM IS SERVED. THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER WILL DECLARE YOU TO BE IN DEFAULT AND DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY PROPOSED IN THE NOTICE OF CLAIM, TO BE THE FINAL AGENCY ORDER IN THE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE FIVE (5) DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF YOUR OPPORTUNITY TO CONTEST THE CLAIM.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d)(1). UNLESS YOUR REPLY COMPLIES WITH THE REQUIREMENTS OF 49 CFR § 386.14(d)(1), THE ASSISTANT ADMINISTRATOR MAY ENTER A DEFAULT AGAINST YOU.

IF YOU DO NOT UNDERSTAND OR ARE CONFUSED ABOUT YOUR RIGHTS AND OBLIGATIONS AS OUTLINED WITHIN THIS NOTICE OF CLAIM, YOU MAY WISH TO SEEK LEGAL ADVICE.

Case Number: NJ-2006-0289-US0412

Copies of the procedural regulations, applicable statutes and the Service List are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'CR', with a long horizontal stroke extending to the right.

Christopher Rotundo
Division Administrator
Federal Motor Carrier Safety Administrator

Enclosures

APPLICABLE STATUTES

Violations of the provisions of the hazardous materials transportation statutes (49 U.S.C. 5101 et seq.) and the Hazardous Materials Regulations (HMRs)(49 C.F.R. Parts 171-180), issued pursuant to these statutes, are subject to a civil penalty of not more than \$32,500 and not less than \$275 for each violation. (49 USC § 5123, 68 Fed. Reg. 15381(March 31, 2003)). Each day the violation continues shall constitute a separate offense.

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 172.704(a)(5) - Failing to provide in-depth security awareness training.

CHARGE #1:

On or about 05/01/06, Major Petroleum Industries used driver Natale Bisconte to drive a commercial motor vehicle transporting a placardable quantity of Gasoline, 3, UN 1203, PG II, a hazardous material, in commerce from Delaware City, DE to Rosenhayn, NJ without having provided the driver in-depth security training.

Violation 2 --- 49 CFR 172.800(b) - Offering or transporting hazardous material without a security plan.

CHARGE #1:

On or about 05/01/06, Major Petroleum Industries used driver Natale Bisconte to drive a commercial motor vehicle transporting a quantity of a hazardous materials requiring placarding, in commerce from Delaware City, DE to Rosenhayn, NJ without having developed and implemented a plan to address the risks related to the transportation of hazardous materials.

On 05/01/06, driver Natale Bisconte transported a shipment of hazardous materials requiring placarding which included Gasoline, 3, UN1203, PG I I without having developed a security assessment and plan to include elements pertaining to personnel security, unauthorized access and en route security.

Violation 3 --- 49 CFR 180.417(a)(1) - Failing to retain a cargo tank manufacturer's data report, certificate and related papers, as required.

CHARGE #1:

On or about 05/05/06, Major Petroleum Industries transported 8000 gallons of Gasoline, 3, UN 1203, PGII, a hazardous material, in commerce from Rosenhayn, NJ to Vineland, NJ, in DOT specification 306AL cargo tank company # 80. On 05/05/06, the carrier failed to retain the cargo tank manufacturer's data report certificate and related papers for that cargo tank.

SERVICE LIST

This is to certify that on June 28, 2006, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Nate Pizzo, President
Major Petroleum Industries
PO Box 377
Rosenhayn, NJ 08352-0377

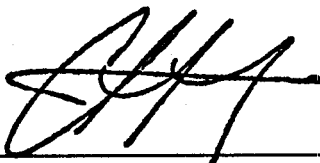
Original
Certified/ Return Receipt Requested

Christopher Rotondo, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
840 Bear Tavern Road
Suite 310
West Trenton, NJ 08628-1019

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail or Electronic Mail



for Docket Clerk



US Department
Of Transportation
**Federal Motor Carrier
Safety Administration**

Eastern Service Center
802 Cromwell Park Drive
Suite N
Glen Burnie, Maryland 21061

In Reply Refer To:
FMCSA-ESC

August 2, 2006

Nate Pizzo, President
Major Petroleum Industries
P.O. Box 377
Rosenhayn, NJ 08352-0377

**NOTICE OF DEFAULT
AND
FINAL AGENCY ORDER**

Re: Major Petroleum Industries
Case Number: NJ-2006-0289-US0412
USDOT Number: 0224132

This letter is an Notice of Default and Final Agency Order ("Order"), and demand for payment of the outstanding debt owed to the United States Department of Transportation, Federal Motor Carrier Safety Administration, for violation(s) of the Federal Motor Carrier Safety Regulations, Hazardous Materials Regulations, and/or Federal Motor Carrier Commercial Regulations.

Major Petroleum Industries was notified of the proposed penalty assessment in the amount of **\$15,860.00** by a Notice of Claim served on Major Petroleum Industries on June 28, 2006. Pursuant to 49 C.F.R. § 386.14(c), because Major Petroleum Industries failed to reply to the Notice of Claim within thirty (30) days of the service of the Notice of Claim, Major Petroleum Industries is in default. The default causes the Notice of Claim, including the civil penalty proposed in the Notice of Claim, to automatically become the Final Agency Order in this proceeding. The Final Agency Order is effective five (5) days after the service of this Order. **In this case the Final Agency Order is effective on August 7, 2006.** The default constitutes an admission of all facts and violations alleged in the Notice of Claim and a waiver of Major Petroleum Industries's opportunity to contest the claim. These violations shall constitute a history of prior offenses in any future civil penalty proceeding and may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

Payment of the outstanding balance in the amount of **\$15,860.00** is due and payable on **August 7, 2006**. You may pay electronically through our SAFER website at <http://safer.fmcsa.dot.gov/> by selecting the "Online Fine Payment" option under the FMCSA Services section. Alternatively, you can mail your **cashier's check, certified check** or **money order** payable to the **Federal Motor Carrier Safety Administration**. The payment should be mailed to:

Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

Pursuant to 49 C.F.R. § 386.14(c)(3), failure to pay the civil penalty as directed in this Order constitutes a violation of the Order, and subjects Major Petroleum Industries to additional penalties as prescribed in the regulations. Additionally, Major Petroleum Industries may be liable for interest and administrative penalties.

If Major Petroleum Industries fails to pay this debt, Major Petroleum Industries will be prohibited from operating in interstate commerce pursuant to 49 C.F.R. § 386.83. If Major Petroleum Industries is registered as a for-hire motor carrier, freight forwarder, or broker, Major Petroleum Industries's registration will be suspended in accordance with 49 C.F.R. § 386.84. Major Petroleum Industries may, in accordance with State laws, be subject to additional penalties such as suspension and/or revocation of State vehicle registration privileges. Additionally, this Order will be referred to the United States Department of Treasury for collection, and may also be referred to the Attorney General for an action to be brought in the United States District Court to enforce the Final Agency Order and collect the civil penalty.

Pursuant to 49 C.F.R. § 386.64, Major Petroleum Industries may file a petition for reconsideration of the Final Agency Order within 20 days after the service of this Order. The original petition for reconsideration must be filed in accordance with 49 C.F.R. § 386.7 with the Assistant Administrator by personal delivery or mail addressed as follows:

U.S. DOT Dockets
U.S. Department of Transportation
400 7th Street SW, PL-401
Washington, D.C. 20590

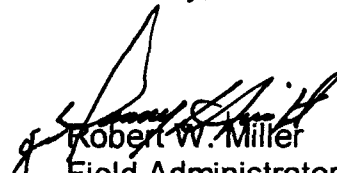
Copies of the petition for reconsideration must also be served on all persons listed in the Certificate of Service of this Notice of Default and Final Agency Order, pursuant to 49 C.F.R. §§ 386.6 and 386.7. The petition must include the following, which must also be provided to all persons on the Certificate of Service:

- (a) A copy of the Notice of Claim served June 28, 2006,
- (b) A copy of this Notice of Default and Final Agency Order served August 2, 2006,
- (c) All evidence you are relying upon in support of the petition for reconsideration, and
- (d) A Certificate of Service as required by 49 C.F.R. § 386.6(c).

Pursuant to 49 C.F.R. § 386.64(b), the only issue that will be considered upon reconsideration by the Assistant Administrator is whether a default has occurred under 49 C.F.R. § 386.14(c). The Final Agency Order may be vacated (set aside) where you can demonstrate excusable neglect, a meritorious defense, or due diligence in seeking relief to the Notice of Claim. If Major Petroleum Industries files a petition for reconsideration in accordance with 49 C.F.R. § 386.64, the entire action will be stayed unless the Assistant Administrator orders otherwise.

For questions regarding this Order, you may contact Enforcement Program Specialist J. Jay Vasconez at (443) 703-2259.

Sincerely,


Robert W. Miller
Field Administrator

CERTIFICATE OF SERVICE

This is to certify that on the 2nd day of August 2006, the undersigned mailed or delivered, as specified, the designated number of copies of the Notice of Default and Final Agency Order to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Nate Pizzo, President
Major Petroleum Industries
P.O. Box 377
Rosenhayn, NJ 08352-0377

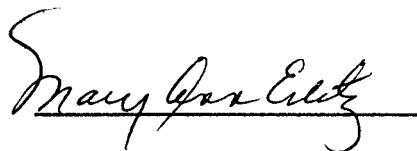
Original
Certified Mail/Return Receipt Requested

Christopher R. Rotondo,
Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
840 Bear Tavern Road, Suite 310
West Trenton, NJ 08628-1019

Copy
US Postal Service

FMCSA Docket Clerk
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
802 Cromwell Park Dr, Suite N
Glen Burnie, MD 21061

Copy
Personal Delivery


Mary Ann Eddy

Certificate of Service

This is to certify that on the Seventh Day of August 2006, the undersigned mailed the designated copies of the petition to the enclosed Notice of Default and Final Agency Order to each of the parties listed below.

U.S. DOT Dockets
U.S. Department of Transportation
400 7th Street SW - PL 401
Washington, D.C. 20590

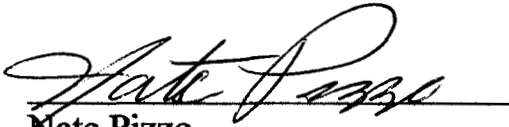
Original & Copy
USPS Next Day Delivery

Christopher R. Rotondo
Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
840 Bear Tavern Road - Suite 310
West Trenton, New Jersey 08628-0310

Copy
USPS Next Day Delivery

FMCSA Docket Clerk
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
802 Cromwell Park Drive - Suite N
Glen Burnie, Maryland 21061

Copy
USPS Next Day Delivery


Nate Pizzo